

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL ELDON KENNEMORE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:06-CV-1016 CEJ
)	
ALAN BLAKE,)	
)	
Respondent.)	

ORDER

This matter is before the Court upon the application of Daniel Eldon Kennemore for a writ of habeas corpus. The Court, however, cannot review the merits of the instant petition at this time, because petitioner has submitted neither the \$5 filing fee nor a form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases." As such, the Court will give petitioner an opportunity either to pay the \$5 filing fee, see 28 U.S.C. § 1914, or to request leave to proceed in forma pauperis. See 28 U.S.C. § 1915; Local Rule 2.05(A).

Therefore,

IT IS HEREBY ORDERED that the Clerk of Court shall forward to petitioner a form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases."

IT IS FURTHER ORDERED that petitioner shall have until August 21, 2006 in which to either pay the statutory filing fee of \$5, or submit a completed form "Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases."

IT IS FURTHER ORDERED that if petitioner fails to pay the filing fee or to submit the form motion and affidavit within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if petitioner submits the form motion and affidavit, or pays the filing fee within thirty (30) days, the Clerk of Court shall cause this action to be resubmitted to the Court for review under 28 U.S.C. § 1915 or the Rules Governing Section 2254 Cases in the United States District Courts.

IT IS FURTHER ORDERED that the Clerk shall docket this petition as Daniel Eldon Kennemore v. Alan Blake.¹

Dated this 20th day of July, 2006.


UNITED STATES DISTRICT JUDGE

¹ Petitioner has named as respondent the State of Missouri. The proper respondent for a prisoner currently in custody pursuant to a state judgment is the state officer having custody of the applicant. See 28 U.S.C. § 2254, Rule 2(a). Alan Blake, Chief Operating Officer of the Missouri Sexual Offender Treatment Center, is the proper respondent.